

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

Civil No. 05-5160  
Crim. No. 04-50015-002

JOSE MANCILLA-OREGON

DEFENDANT/MOVANT

O R D E R

Now on this 16th day of June, 2006, comes on for consideration the **Magistrate Judge's Report and Recommendation** (document #162), in this matter, to which no objections have been made, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

**IT IS THEREFORE ORDERED** that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

**IT IS FURTHER ORDERED** that, for the reasons stated in the Magistrate Judge's Report and Recommendation, **movant's Motion to Dismiss his 28 U.S.C. § 2255 Petition is hereby granted** and this action is **dismissed**.

**IT IS SO ORDERED.**

/s/Jimm Larry Hendren  
HON. JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE